

DOCUMENT RESUME

ED 263 864

HE 018 915

AUTHOR Zurhellen, Henry S.
TITLE The Role of the Federal Government in Higher Education.
PUB DATE Nov 85
NOTE 13p.; Paper presented at the Annual Meeting of the American Educational Studies Association (Atlanta, GA, November 9, 1985).
PUB TYPE Historical Materials (060) -- Viewpoints (120) -- Speeches/Conference Papers (150)
EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Educational History; Federal Aid; *Federal Government; *Financial Support; *Government Role; *Government School Relationship; *Higher Education; Private Colleges; *Public Policy; State Colleges

ABSTRACT

The federal government's involvement in higher education is discussed, and the part that the national government has played in American history since colonial days is briefly traced. Four major points are made about developments before World War II: (1) the federal government exercised some role in higher education since the earliest days and has a constitutional right to act in this field; (2) the government's activities have centered on meeting identifiable national needs; (3) the accepted definition of such needs has been broadened over the years; and (4) federal activities have touched both public (state) and private (religious and secular) institutions. After World War II, important developments were: federal aid to provide returning veterans with education and training for civilian jobs; federal support for basic research; aid directed to the construction of campus buildings; programs giving tuition and subsistence aid to needy students, including work-study grants, direct grants, and student loans; programs to help upgrade the teaching skills of teachers; and the integration of all-white state universities. It is concluded that there is no clearly established commonly accepted set of goals for higher education, and therefore no effective federal role can be defined. (SW)

* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *

ED263864

THE ROLE OF THE FEDERAL GOVERNMENT
IN HIGHER EDUCATION

HENRY S. ZURHELLEN, ED.D.
ASSOCIATE PROFESSOR
FOUNDATIONS OF EDUCATION
MEMPHIS STATE UNIVERSITY

"PERMISSION TO REPRODUCE THIS
MATERIAL HAS BEEN GRANTED BY

Henry S. Zurhellen

TO THE EDUCATIONAL RESOURCES
INFORMATION CENTER (ERIC)."

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION
CENTER (ERIC)

☒ This document has been reproduced as
received from the person or organization
originating it.

☐ Minor changes have been made to improve
reproduction quality.

• Points of view or opinions stated in this docu-
ment do not necessarily represent official NIE
position or policy.

PRESENTED AT THE ANNUAL MEETING OF THE AMERICAL EDUCATIONAL STUDIES
ASSOCIATION, ATLANTA, GEORGIA, NOVEMBER, 1985

Prologue

Before I embark on a discussion of the role of the Federal Government in American higher education, it would be helpful for me to briefly chronicle the part that national governments have played in American history since colonial days. The experience Americans have had with their "national" governments has been much different from that of other peoples. For the most part, those who have emigrated to America have done so to escape the oppression of national governments. The form of government and the kind of oppression are immaterial. For the English emigrants of the sixteenth and seventeenth centuries, oppression resulted from religious differences. It did not matter whether the government was directed by King, Lord Protector, or Parliament. All were deemed equally oppressive, and all were equally resisted by the dissenting group.

The English colonists were well acquainted with the traditions of English political theory and practice. In the process of coping with the harsh realities of frontier life, many modifications in both theory and practice were made. The basic principles, however, remained the same. What was most different was the day-to-day context of colonial government. The large, pervasive issues were intimately related to the daily lives of the colonists. Thus, in colonial government, local issues, not national ones, predominated. By the middle of the eighteenth century the colonists had acquired an understanding of the nature and scope of local government far ahead of any to be found elsewhere. They knew how local government worked, what it could and could not do, and how to enlist the support of the people without alienating them. Their skill in utilizing local government to deal with the sometimes overwhelming problems of daily existence was unequalled.

Conditions did not lend themselves to the development of skills related to

national government. The various plans of union tried in the seventeenth and eighteenth centuries were short-lived and contentious. Besides, the broad problems of national concern were based in London, France, Spain, or the rest of Europe. These were the items that engrossed the Stuarts, Hanoverians, Whigs and Tories. As long as London did not overly enforce the Navigation Laws or interfere too much in local administration, the colonists considered themselves as loyal Englishmen, happy to leave foreign policy in the hands of the mother country. With few exceptions, American leadership had no experience and learned nothing about the day-to-day needs of central governments. On the contrary, their experience had taught them only to fear and mistrust central governments.

The fear and mistrust is reflected in the Articles of Confederation. Many felt that the Federal government created by the Constitution would overwhelm them. In fact, the years between 1800 and 1860 saw only the landmark Supreme Court decisions under John Marshall and the purchase of Louisiana by Jefferson as possible expansions of Federal power. During the American Civil War, the framers of the Confederate constitution sought to correct what they perceived as flaws in the Philadelphia document. Before 1865 they abandoned the attempt in frustration. Except for the post-Civil War reconstruction period, Calvin Coolidge's dictum that "the business of America is business" could easily be applied to our entire history down to the years of the New Deal.

From Independence to World War II

Much has been said and written of late concerning the role, or lack of it, of the Federal Government in higher education. If one were just to look at dates of publications of books and articles, a review of the literature on the subject might suggest that this role has existed only since the days of World War II or, perhaps, from the inception of the WPA projects of the depression

years. In reality, nothing could be farther from the truth. While the constitution makes no reference to education, and the interpretations of the Tenth Amendment have held that the responsibility for education rests with the states, this does not mean that the Federal Government has taken no part in the development of higher education in the U.S., nor that the actions of the national government have been inconsequential. The weight of evidence is clearly to the contrary. From the earliest days of our history as an independent nation, the question of education has occupied an important place in the minds of the responsible leaders of the country. Whether one takes the view that the educational provisions of the land ordinances of the 1780's reflected a true desire to further learning or acted as an inducement to settle the western lands, one is forced to accept the fact that the national government of the time did legislate upon the subject of education in those areas where it could. The problem lay in the narrow scope of legislative power allowed to the Congress of the Confederation. James Madison listed this inability of the central government to legislate upon matters of education within the several states as one of the weaknesses of the Articles of Confederation.

Later, even a "strict constructionist" like Thomas Jefferson suggested that surplus federal funds be used for "the great purpose of public care." In this annual message to the Congress of 1806 he declared:

Education is here placed among the articles of public care, not that it would be proposed to take its ordinary branches out of the hands of private enterprise, which manages so much better all the concerns to which it is equal; but a public institution can alone supply those sciences which, though rarely called for, are yet necessary to complete the circle, all the parts of which contribute to the improvement of the country, and some of them to its preservation.

In the above statement, Jefferson clearly refers to education "in its ordinary branches" as being a proper function of private enterprise, in this

case almost exclusively consisting of religious bodies of philanthropic individuals. No mention is made of state participation. This is not surprising when one considers the fact that at this time in our history, education at all levels was essentially in the hands of private or religious groups, and any governmental activity, Federal or state, might have been viewed in the light of its effect on the provisions of the First Amendment.

There is, of course, a difference between the "ordinary branches"--primary and secondary schools--and higher education. As early as the Constitutional Convention, Thomas Jefferson, Benjamin Rush and James Madison proposed the establishment of a "national university" which would provide an alternative in higher learning to the universities of Europe. George Washington actually bequeathed a sum just for such a purpose. The proposal was defeated at the convention. A similar bill was presented to the Congress in 1816. It, too, was voted down. Both proposals arose out of a practical need just as did the educational provisions of the land ordinances of the 1780's. Indeed, all of the early attempts proceeded from a belief that higher education was essential to the success of the new nation. The central government had a large stake in the growth of higher education. Nothing in the debates suggests that the failure to approve establishment of a national university resulted from any pressure to preserve "local control." On the contrary, it would seem that the failure was due more to a lack of experience with national government itself. The founding of the U.S. Military Academy in 1802 would support this point. The states saw their role much more clearly. Two states, Georgia and North Carolina, established public institutions before ratification of the Constitution was completed. Tennessee did so two years before its admission to the Union. The pace increased after 1800. For the most part, new states created public colleges within a decade of their admission.

Though not typically included in lists of Federal enactments, the 1819 decision of the U.S. Supreme Court in the Dartmouth College case must rank high because of its influence on the administration and control of higher education. The ultimate impact of the decision was such that, on the one hand, private and denominational schools were founded in large numbers and, on the other, state legislatures were encouraged to found their own colleges and universities; hence, the establishment of state institutions so soon after admission.

While not so significant as later land grant legislation, Congress included a provision granting each new state admitted after 1848, 46,080 acres of public land for the purpose of establishing a state university, as part of an enabling bill regulating admission of territories to the Union. Because of the peculiar, retroactive nature of certain sections of the bill, the universities of Indiana, Michigan, and Wisconsin were beneficiaries.

The most significant Federal aid to higher education came in 1862 with the passage of the Agricultural College Land Grant Act, usually referred to as the Morrill Act after its sponsor, Senator Justin Morrill of Vermont. Like the land ordinances of earlier times, the act provided land for specific educational purposes. Unlike the previous enactments, however, grants were made to all the states and were not limited to public institutions. Private institutions such as Yale and Brown were included. Both private and state universities still receive grants under the act. The specific educational purposes referred to were instruction and research in agriculture and the "mechanical arts," both matters of concern to important economic interests in the North. It is true that the legislation had been passed in 1858 only to be vetoed by President Buchanan on what he termed "constitutional grounds." Sectional differences had, by this time, clouded the issue. By 1862, the constitutional issues were in a process of resolution. The Federal government

was much more at ease with its role. Lincoln signed the measure without hesitation, and the principle of Federal involvement was given renewed impetus. Acceptance of land grants by universities in the South was, at the very least, tacit acceptance of the principle. Passage of a second Morrill Act in 1890 was accomplished without incident.

Two important precedents were set by the Morrill Act. First, the Federal government had acted to provide manpower trained in a specific field and to furnish public resources for what hitherto had been accepted as a private purpose. Second, the provisions were not limited to public institutions. While other, far greater, grants were to be made to the railroads, these were the first continuing grants of any size. Both principles have persisted in all subsequent Federal legislation down to the present time. Today, an excess of \$100 million per year is distributed to upwards at 70 land-grant institutions. It should be noted too that there has never been a serious charge of Federal interference in university affairs.

Out of these precedents came the tremendous exertions during World Wars I and II. Universities received huge sums, especially during the latter, for manpower training and research in the area of weapons development, the atomic projects being only the most spectacular examples. Such training and research grants were expanded and diversified during both conflicts. Few, if any, questions of constitutionality were raised. Not until the Vietnam War era were protests heard.

The right of the Federal government to act in the field of higher education was reaffirmed in the early years of the Great Depression. President Hoover's Advisory Commission on Education reported that there were 31 provisions for the Constitution under which the Federal government could claim authority to act. Before discussing Federal legislation and other activity in

the post-World War II years, it might be well to summarize our conclusions thus far. Four major points emerge:

1. The Federal government has exercised some role in higher education since the earliest days of our independence. It does have a constitutional right to act in this field.
2. Its activities have centered on meeting identifiable national needs at some given time.
3. The accepted definition of such needs has been broadened over the years.
4. Federal activities have touched both public (state) and private (religious and secular) institutions.

Post-World War II

One of the most pressing problems of the early postwar period was that of dealing with the influx of returning servicemen to civilian life, especially when those aspects related to employment. Of the millions of enlistees and draftees who had fought, many had no civilian skills or had seen their jobs taken by others. Most Americans accepted the premise that those who had served were owed a debt. What better way to pay the debt than to provide returning veterans with education and training for civilian jobs. Passage of the Servicemen's Readjustment Act, the so-called "G. I. Bill," provided Federal aid for veterans' hospitals and vocational rehabilitation; for the purchase of homes, farms or businesses by veterans; and for four years of college education, including tuition and books as well as a monthly allowance. For the first time, Federal funds were used for direct aid to individuals as well as institutions for specific educational purposes. Similar acts were passed after the Korean War and during the Vietnam War. To date, over five million veterans have attended college under the provision of these acts. Many consider these bills, along with the Morrill Acts, as the most important pieces of Federal legislation in the field of education. The numbers of those receiving

postsecondary training increased enormously. The effect of this is, of course, cumulative from generation to generation.

The G.I. Bills provided great numbers of American universities, both public and private, with large sums of money. For the first time in peacetime universities were receiving Federal funds in amounts large enough to determine the need for additional faculty or facilities as well as the size, scope, and direction of university programs.

With the establishment of the National Science Foundation in 1958 and the passage of the National Defence Education Act (NDEA) in 1958, Federal support for basic research in colleges and universities took a giant leap. In 1960 Federal research grants to educational institutions amounted to almost 500 million dollars. By 1966 that amount had more than quadrupled. While the rate of growth has declined sharply over the past 20 years, the amounts are still considerable.

Both President Eisenhower (1958) and Kennedy (1961) recognized the effects that such massive Federal assistance would have on the physical plant of the institutions affected. Both recommended that Federal aid be given and directed toward the construction of campus buildings. The Higher Education Facilities Act of 1963 was designed to meet this need. In the Higher Education Act of 1965, the Federal government provided aid for the construction of libraries and extended support for the improvement of teaching and research to all fields. Heretofore, such aid had been restricted by the NDEA to those areas "affecting national security." The Act also established programs giving tuition and subsistence aid to needy students. Direct grants, work-study grants, low interest, and guaranteed student loans were included. The Education Professions Development Act (EPDA) of 1967 was the last of the major pieces of legislation affecting higher education. Like portions of NDEA, it was designed

to help upgrade the pedagogical skills of teachers.

It was obvious that, beginning with the G.I. Bill, the number of Federal dollars allocated for higher education has risen sharply both in absolute terms and as a percentage of the Gross National Product (GNP). While a substantial portion of Federal funds goes to students in some form or other, most goes to research. More important, perhaps, is the fact that Federal research grants are sponsored by a variety of Federal departments and agencies. The Departments of Agriculture, Defense, Education, Health and Human Services, Housing and Urban Development; the National Institute for Education, National Institute for the Humanities, National Science Foundation, and Nuclear Regulatory Agency are only the biggest contributors. All departments and agencies make use of university research facilities and personnel. Of at least equal importance to the amount spent is the fact that they operate independently of each other, with different mandates and missions, different goals and objectives. It has not been infrequent that their goals have overlapped or even been in conflict. In addition, Federal research programs have mostly been initiated and conducted for non-educational purposes, and even without regard to their impact on the institutions, faculties, and students involved. There is not a little disagreement both within and among institutions regarding the propriety of institutional acceptance of such research grants.

With the single exception of mentioning the impact of the Supreme Court decision in the Dartmouth College case, only Congressional enactments have been discussed. Other aspects of Federal activity have been excluded. While this is in keeping with other accounts of Federal involvement in higher education, such an omission is unfortunate. Though overshadowed in the public mind by *Brown v. Board of Education*, several cases involving Negro attempts to enroll

in previously all-white state universities preceded the Brown case by as much as 16 years and helped to end school segregation. *Gaines v. Canada*, 305 U.S. 337 (1938); *Sipuel v. Board of Regents of University of Oklahoma*, 332 U.S. 631 (1950); and *Sweatt v. Painter*, 339 U.S. 629 (1950), involved law schools. *McLaurin v. Oklahoma State Regents*, 339 U.S. 637 (1950), involved the graduate school at Oklahoma State University. In each case the decision turned on other than educational implications. It was in *Sweatt v. Painter* that the Court expressly reserved decision on the question of whether the doctrine of "separate but equal," *Plessy v. Ferguson*, 163 U.S. 537 (1896) would be reviewed. In each case the decision turned other educational implications. Thus, it can be said that involvement of the Federal judiciary in higher education resulted in changes that were both witting and deliberate.

Not so, however, were the changes wrought by legislative enactment and departmental/agency research grants. In many instances, Federal research grants have diverted professors from teaching to research and strengthened graduate education with no corresponding assistance to undergraduate instruction. Other relationships have been affected as well which are beyond the scope of this paper. The creation of university-associated laboratories and research centers with professors having divided loyalties is one. Because many grants have involved matching funds, university priorities have been externally determined and manipulated. Because grants are channeled directly to the institution (or in some cases, an individual professor), state agencies or Board of Trustees are by-passed.

Certainly, Federal aid to students, both veteran and non-veteran, has brought opportunities for postsecondary education to many, if not most, Americans who would otherwise have been unable to attend. This, in itself, has changed the social and economic face of America. This, too, is likely to be

the area of major impact resulting from cuts in Federal educational expenditures. The economics and social effects of such cuts are subjects of intense debate and controversy. Unfortunately, there is no clearly established set of goals for higher education upon which all will agree. Until such a set is forthcoming, no effective Federal role can be defined.

References

- Bobbidge, H. D., Jr. and R. M. Rosengweig, The Federal Interest in Higher Education (New York: McGraw Hill Book Co., 1962).
- Ford, P.L. (Ed), The Writings of Thomas Jefferson, Vol. III (New York: G. P. Putnam's Sons, 1897).
- Padover, S. K. (Ed.), The Complete Madison: His Basic Writings (New York: Harper Brothers, 1953).
- Wilbur, R. L. and A. M. Hyde, The Hoover Policies (New York: Charles Scribner's Sons, 1937).

Supreme Court Citations

- Trustees of Dartmouth College v. Woodward, 4 Wheaton U.S. 518 (1819)
- Ex Rel Missouri, Gaines v. Canada, 305 U.S. 337 (1938)
- Sipuel v. Board of Regents of University of Oklahoma, 332 U.S. 631 (1950)
- Sweatt v. Painter, 339 U.S. 629 (1950)
- McLaurin v. Oklahoma State Regents, 339 U.S. 637 (1950)